

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT A. CARNELL,

Defendant.

Case No. 18-cr-40066-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Scott A. Carnell's *pro se* motion for free copies of certain documents in his criminal case (Doc. 212). Defendants have no constitutional right to a complimentary copy of any document in their court files. *See United States v. Groce*, 838 F. Supp. 411, 413, 414 (E.D. Wis. 1993). Before providing copies free of charge, a district court may require the requestor to show: (1) that he has exhausted *all* other means of access to his files (*i.e.*, through his trial and appellate counsel), (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar to that required in 28 U.S.C. § 1915(a)(2) which includes a certified copy of the prisoner's trust account for the previous six-month period prior to filing), and (3) that the documents requested are necessary for some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir. 1977); *Groce*, 838 F. Supp. at 413-14. These minimal requirements do not impose any substantial burden to financially unable prisoners who desire their records be sent to them at government expense.

Carnell has failed on all three counts. He is currently represented in the appeal of this case, and he has not shown that his appellate counsel is unable to obtain the documents he seeks. He has also not provided evidence he is financially unable to pay for the documents. Finally, he

has not explained why he needs these documents for a non-frivolous court action. If these documents are needed for his appeal, his appellate counsel is capable of obtaining them.

For these reasons, the Court **DENIES** the motion **without prejudice** (Doc. 212).

IT IS SO ORDERED.

DATED: December 8, 2021

s/ J. Phil Gilbert

J. PHIL GILBERT

DISTRICT JUDGE